

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALBERTA AMANDA DUDLEY,
ELIZABETH JEAN DUDLEY, RICHARD
ANTHONY DUDLEY, JR., RICKETTA MARIE
DUDLEY, and ISAAC ANTOINE KEITH
DUDLEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LEAH MARIE WEAVER,

Respondent-Appellant,

and

RICHARD ANTHONY DUDLEY,

Respondent.

In the Matter of ALBERTA AMANDA DUDLEY,
ELIZABETH JEAN DUDLEY, RICHARD
ANTHONY DUDLEY, JR., RICKETTA MARIE
DUDLEY, and ISAAC ANTOINE KEITH
DUDLEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICHARD ANTHONY DUDLEY,

UNPUBLISHED
November 28, 2000

No. 224089
Saginaw Circuit Court
Family Division
LC No. 98-025402-NA

No. 224166
Saginaw Circuit Court
Family Division
LC No. 98-025402-NA

Respondent-Appellant,

and

LEAH MARIE WEAVER,

Respondent.

Before: Doctoroff, P.J., and Hoekstra and Markey, JJ.

PER CURIAM.

Respondents Leah Weaver and Richard Dudley appeal as of right from an order of the Saginaw Circuit Court terminating their parental rights to their children, Alberta Dudley (born 1/3/89), Elizabeth Dudley (born 10/31/90), Richard Dudley, Jr. (born 10/27/91), Ricketta Dudley (born 11/24/92), and Isaac Dudley (born 9/20/94), pursuant to MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm.

Once a trial court determines that a statutory ground for termination has been shown by clear and convincing evidence, the trial court must terminate parental rights unless the record, as a whole, demonstrates that termination clearly is not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich App 341, 352-353; ___ NW2d ___ (2000). In an appeal from an order terminating parental rights, this Court reviews the trial court's findings under the clearly erroneous standard. MCR 5.974(I); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Respondents do not challenge the trial court's finding that the statutory grounds for termination were proven by clear and convincing evidence. Furthermore, after having reviewed the record, we conclude that the trial court did not clearly err in finding that the record as a whole did not demonstrate that termination clearly was not in the best interests of the children. *Trejo Minors, supra*. Contrary to the father's argument in docket no. 224166, it is clear from the trial court's opinion that the trial court did not weigh the advantages of the foster homes in which the children were placed against the home provided by the father in making its best interest determination. See *In re Hamlet*, 225 Mich App 505, 520; 571 NW2d 750 (1997), overruled on other grounds, *In re Trejo Minors*, 462 Mich 341, 353, n 10 (2000). Rather, the court merely recognized the evidence that the conditions of the father's home resulted in the children having certain behavioral and developmental problems and the evidence that the children began to overcome those problems after they were removed from the father's home and placed in stable, secure foster homes.

Therefore, in docket nos. 224089 and 224166, we affirm the trial court's order terminating respondents' parental rights.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Joel P. Hoekstra

/s/ Jane E. Markey